

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

<p>In re:</p> <p>SRC Holding Corporation, f/k/a Miller &amp; Schroeder, Inc., and its subsidiaries,</p> <p style="text-align:right">Debtors.</p>	<p style="text-align:center">Chapter 7 Case BKY Case Nos. 02-40284 to 02-40286 Jointly Administered</p>
<p>McIntosh County Bank, First State Bank Of Bigfork, Security First Bank Of North Dakota, Campbell County Bank, Inc., Security State Bank, Choice Financial Group, United Community Bank Of North Dakota, Community National Bank, Lake Country State Bank, Bank of Luxemburg, People State Bank Of Madison Lake, New Auburn Investment, Inc., Oregon Community Bank &amp; Trust, State Bank Of Park Rapids, Farmers State Bank, Citizens State Bank Of Roseau, First Independent Bank, First National Bank Of The North, Security State Bank Of Sebeka, Northstate, LLC, First American Bank &amp; Trust, First Federal Savings Bank Of The Midwest, North Country Bank &amp; Trust, Dacotah Bank – Valley City, First National Bank &amp; Trust Co. Of Williston, Ultima Bank Minnesota, Security Bank Usa, The Ramsey National Bank And Trust Co. Of Devils Lake, Mcville State Bank, Page State Bank, First National Bank Of The North, Brian F. Leonard, Trustee, and Marshall Investments Corporation, a Delaware Corporation,</p> <p style="text-align:right">Plaintiffs,</p> <p>v.</p> <p>Dorsey &amp; Whitney LLP, a Minnesota Limited Liability Partnership,</p> <p style="text-align:right">Defendant.</p>	<p style="text-align:center">ADV Case No. 03-4291</p> <p style="text-align:center"><b>NOTICE OF HEARING AND MOTION FOR SUMMARY JUDGMENT</b></p>

**TO: Plaintiffs Bank Participants and Brian F. Leonard, Trustee for SRC Holding Corporation, f/k/a Miller & Schroeder, Inc. and their attorneys Edward W. Gale, LEONARD, O'BRIEN, SPENCER, GALE & SAYRE, 55 East Fifth Street, Suite 800, St. Paul, MN 55101 and Thomas P. Puccio, LAW OFFICES OF THOMAS P. PUCCIO, 230 Park Avenue, Suite 301, New York, NY 10169.**

1. Defendant Dorsey & Whitney LLP ("Dorsey") moves the Court for the relief requested below and gives notice of hearing.

2. The Honorable Nancy C. Dreher, United States Bankruptcy Judge, will hold a hearing on this motion for summary judgment at 10:00 a.m. on August 3, 2004, in Courtroom No. 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered not later than July 27, 2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not later than July 23, 2004, which is eleven (11) days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The complaint commencing this adversary proceeding was filed on October 2, 2003. The case is now pending in this court.

5. This motion for summary judgment arises under Fed. R. Civ. P. 56 and Bankruptcy Rule 7056. This motion is filed under Bankruptcy Rule 9014 and Local Rules 7007-1, 9006-1, 9013-1, 9013-2 and 9017-1. Movant requests that the Court dismiss the Complaint in its entirety.

6. This motion is based upon the attached Defendant's Memorandum of Law in Support of Motion for Summary Judgment, Affidavit of William J. Wernz, Affidavit of Paula S. Rindels, Affidavit of Mark A. Jarboe, Affidavit of Jason R. Asmus, and upon the files, records and proceedings herein, as well as the arguments of counsel.

WHEREFORE, Defendant Dorsey & Whitney LLP moves the Court for an order that summary judgment be granted in its favor and against Plaintiffs dismissing the Complaint in its entirety and for such other relief as may be just and equitable.

Dated: May 28, 2004

**BRIGGS AND MORGAN, P.A.**

By /s/ Jason R. Asmus  
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